

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
DOMINIC V. DiMODICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-10286-PBS
)	
ROBERT MURPHY, KATHLEEN)	
DENNEHY, and the MASSACHUSETTS)	
DEPARTMENT OF CORRECTION,)	
)	
Defendants.)	
_____)	

**PLAINTIFF'S SECOND ASSENTED-TO MOTION FOR AN EXTENSION OF TIME
TO AMEND THE COMPLAINT**

Plaintiff, Dominic V. DiModica ("Plaintiff" or "DiModica"), respectfully requests that the Court extend the time for filing an amended complaint until October 31, 2005. Defendants' counsel has assented to this Motion. In support of this Motion, Plaintiff states as follows:

1. The Court appointed the undersigned *pro bono* counsel on July 25;
2. Plaintiff previously filed an assented-to motion to extend the time for filing an amended complaint. The Court allowed Plaintiff's motion and extended the time for filing to September 30, 2005.
3. Since Plaintiff filed his last motion, Plaintiff's counsel has reviewed approximately 5,000 pages of documents provided by Defendants' counsel and has been in frequent contact with both Mr. DiModica and his Court-appointed *guardian ad litem*, Mark J. Gillis, Esq.
4. Given the issues and volume of documents involved in this matter, the parties believe that it will be beneficial to have a meeting, in advance of filing the

amended complaint, to discuss and narrow the issues. An extension of time will allow the parties to schedule and have a meeting in mid-October.

5. There is a status conference scheduled in this matter on October 18, 2005 at 3:00 p.m.

6. Defendants' counsel has assented to Plaintiff's second request for an extension of time to amend the complaint.

WHEREFORE, Plaintiff respectfully requests that the Court allow his Second Assented-To Motion for an Extension of Time to Amend the Complaint, thereby extending the deadline until October 31, 2005.

Respectfully submitted,

DOMINIC V. DiMODICA,

By his attorney,

/s/ Jennifer A. Serafyn
Jennifer A. Serafyn (BBO #653739)
Seyfarth Shaw LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

Date: September 30, 2005

CERTIFICATE OF SERVICE

I, Jennifer A. Serafyn, hereby certify that on September 30, 2005, I caused a true copy of the above to be delivered, via electronic filing, upon the defendants' attorney:

Mary P. Murray
Department of Correction
Massachusetts Treatment Center Legal Office
30 Administration Road
Bridgewater, MA 02324

/s/ Jennifer A. Serafyn
Jennifer A. Serafyn